

**BEFORE THE THREE MEMBER DUE PROCESS PANEL
PURSUANT TO RSMo. Sec. 162.961**

)	
Petitioner)	
)	
vs.)	
)	
PARKWAY C-2 SCHOOL DISTRICT and)	
SPECIAL SCHOOL DISTRICT)	
of ST. LOUIS COUNTY)	
Respondent)	

ORDER OF DISMISSAL

UPON, Motion of the Respondents dated March 5, 2002, the Order to Show Cause Why the Due Process complaint of the Petitioners should be dismissed for failure to prosecute and findings are as follows:

1. February 16, 1999 the Respondent filed a motion to dismiss for Petitioners failure to prosecute.
2. The matter was set for hearing October 10, 2001 and October 11, 2001. The Petitioners requested a continuance that was granted for good cause due to a family emergency.
3. The Chief Hearing Officer and Attorney for the Respondent attempted to contact the Petitioners numerous times by letter or telephone to obtain a new hearing date.
4. An Order to Show Cause Why Proceeding (for the Due Process) Should Not Be Dismissed was sent by fax, First Class, and Certified mail setting a hearing for March 5, 2002 at 4:00pm and was served on February 28, 2002. In addition the Petitioners had been left a voice mail by the undersigned that this was to be set.

5. The Respondent's attorney set up a conference call through AT&T, at 4:00pm March 5, 2002 number ZJT-3596. The operator attempted to contact the Petitioners two times. The Petitioners never contacted the Respondent or the Chief Hearing Officer with any reason why they would not participate in the conference.
6. The Petitioners have failed to prosecute the action in accordance with the hearing Orders and participate as required by the Order to Show Cause.

For the above reasons it is **Ordered, Adjudged, and Decreed** the Petitioners' Due Process filed February 16, 1999 is dismissed for failure to prosecute.

SO ORDERED: March 5, 2002

C.E. "Sketch" Rendlen, III
Chief Hearing Officer

CC:

James G. Thomeczek
Marilyn McClure
George Wilson
Pam Williams